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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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May 22, 1995

**BY MESSENGER**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Re: In the Matter of Allocation of  
Spectrum Below 5 GHz Transferred  
from Federal Government Use  
ET Docket No. 94-32

Dear Mr. Caton:

The Association for Maximum Service Television ("MSTV") and the National Association of Broadcasters ("NAB"), pursuant to Section 1.206(a)(2) of the Commission's Rules, hereby files an ex parte submission as follow-up to a meeting held among representatives of MSTV, NAB and the FCC Wireless Telecommunications Bureau on April 25, 1995.

Discussed at that meeting were possible service rules that might apply if the 4665-4680 MHz band were allocated for the exclusive use of broadcast auxiliary services in connection with the transition to digital advanced television. The attached submission proposes preliminary service rules by way of comparison with the rules presently governing broadcast auxiliary services in the 2 GHz band. Naturally, these proposed rules are as specific as possible given the state of the technology. The definition of certain technical parameters must await further development of the equipment to be used in the 4665-4680 MHz band.

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Mr. William F. Caton  
May 22, 1995  
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In drafting the attached submission, the undersigned contacted representatives of the cable industry numerous times to discuss the affected part 78 rules, but were unable to obtain input from those representatives.

Please address any questions to one of the undersigned.

Sincerely,



Ellen P. Goodman

Attorney for  
Association of Maximum  
Service Television, Inc.



Barry Umansky

Attorney for  
National Association  
of Broadcasters

cc: John Cimko

May 22, 1995

**Preliminary Service Rules for Broadcast  
Auxiliary Use of the 4660-4685 MHz Band.**

In the event that the 4660-4685 MHz band were allocated exclusively for broadcast auxiliary services ("BAS"), the band could be used for digital operations in support of digital advanced television ("ATV"), for digital and analog operations during the transition to ATV and for analog operations pending the introductions of the first digital signals. Because the digital service rules will depend on the specifications of digital equipment which are not yet known, the technical rules for digital use of the band must necessarily await further developments and should remain flexible enough to accommodate technological evolution.

The preliminary service rules proposed below build and are premised on the technical proposals set forth in the March 21, 1995 Joint Comments of MSTV and Other Major Television Broadcasting Entities ("Joint Comments") to the Second Notice of Proposed Rule Making, 94-32, (February 17, 1995).<sup>1/</sup> The Joint Comments proposed a channelization plan of 6 MHz because stackable channels of 6 MHz will allow the most flexible and efficient use of the spectrum. Depending on the data requirements of the signal that is transmitted, one or more channels could be aggregated for analog or digital transmissions. The appropriate mix of analog and digital

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<sup>1/</sup> The proposed service rules also assume an additional allocation of 25 MHz of spectrum at 4635-4660 MHz in 1997 for BAS.

transmissions will be largely influenced by how the Commission shapes the evolution of ATV in its ATV proceeding<sup>2/</sup> and the ensuing pace of transition to the upgraded service. Since BAS provides essential support to the main channel broadcasts, it is reasonable to assume that the forces propelling main channel broadcasts to digital will act similarly on BAS transmissions.

In addition, the Joint Comments proposed that eligibility for use of the 4 GHz band should be limited to those entities currently permitted to use the existing 1990-2110 MHz broadcast auxiliary band: local television broadcasters, broadcast television networks, and cable operators<sup>3/</sup> and that all eligible users be granted nationwide licenses to use the 4660-4685 MHz band on a shared and coordinated basis for a ten-year license term.

Finally, the following rules do not rule out the possibility that there could be some sharing of spectrum between BAS users and the public safety community on a case-by-case basis as has been successful in the past.

I. Analog Use.

For the analog use of the band, the following sections of the Commission's rules, at 47 C.F.R. part 74,

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<sup>2/</sup> See In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, MM Docket 87-268.

<sup>3/</sup> See 47 C.F.R. §§ 2.106, 74.602.

would apply, except substituting 4660-4685 MHz for frequencies currently used for broadcast auxiliary services:

74.600  
74.601  
74.602(a) (the first two sentences only), (b), (f)  
74.603(a), (b), (d)  
74.604  
74.631  
74.632  
74.633  
74.634  
74.635  
74.637(a), (b), (d) - (f)  
74.644(b), (c)  
74.651  
74.655  
74.662  
74.663  
74.664  
74.682

The following sections should be adjusted as follows:

74.636 -- maximum allowable transmitter power for fixed = 20 watts; for mobile = 12 watts.  
74.637(g) -- maximum authorized bandwidth = 18 MHz.  
74.638 -- To be determined.  
74.641 -- To be determined.  
74.644(a) -- minimum path length = 17 km.  
74.661 -- To be determined.

## II. Digital Use.

The following sections of the Commission's rules, at 47 C.F.R. part 74, would apply for digital use of the band, except substituting 4660-4685 MHz for frequencies currently used for broadcast auxiliary services:

74.600  
74.601  
74.602(a) (the first two sentences only), (b), (f)  
74.603(a), (b), (d)  
74.604  
74.631

74.632  
74.633  
74.634  
74.635  
74.651  
74.655  
74.662  
74.663  
74.664  
74.682

Rules contained in the remaining sections would have  
to be determined when there is more information.